

**THE SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

STATE OF ARIZONA

CASE NO. _____

v.

APPLICATION TO:

DEFENDANT

☐ VACATE JUDGMENT OF GUILT
AND DISMISS CHARGES

Date of Birth: _____

☐ RESTORE CIVIL RIGHTS

Date of Arrest: _____

Arresting Agency: _____

DEFENDANT, in person or by an authorized representative, alleges:

1. On the _____ day of _____, 19 ____, a Judgment of Guilt was entered against the defendant in

☐ Superior Court of Arizona

☐ Federal District Court for the District of _____,
on a conviction of _____,

which has been designated as a ☐ felon ☐ misdemeanor.

2. On the _____ day of _____, 19 ____, Defendant

☐ Completed the conditions of probation and was discharged therefrom, the Order appearing in the Court file or the affidavit of Federal discharge being attached hereto.

☐ Received from the Director of the Department of Corrections an absolute discharge from imprisonment on a date two (2) or more years before this date and has attached a copy hereto.

☐ Received from the Director of the Federal Bureau of Prisons an absolute discharge and has attached a copy of the Certificate of Absolute Discharge hereto.

3. That attached hereto is Defendant's authorization in writing for his representative to make this application if such is not made by the Defendant in person.

4. That the above stated judgment of guilt and conviction for a felony is the Defendant's first felony conviction in this or any other state. ☐ YES ☐ NO

☐ WHEREFORE Defendant prays in accordance with ARS 13-905 to 13-912 that

☐ The Judgment of Guilt be vacated and the charges dismissed, and/or

☐ All Civil Rights lost or suspended as a result of said conviction be restored.

DATED this _____ day of _____, 19 ____.

DEFENDANT'S NAME

by DEFENDANT or REPRESENTATIVE

DEFENDANT'S/REPRESENTATIVE FULL ADDRESS

CASE NO. _____

ARR

ORDER

ORDERED this Application will be considered on or after ____ day of _____, 19 _____. This is not a hearing, Application is ruled upon in a closed session. Applicant will be notified by mail upon ruling.

DATED this ____ day of _____, 19 _____.

Judge of the Superior Court

**VACATING JUDGMENT OF GUILT
DISMISSING CHARGES AND
RESTORATION OF CIVIL RIGHTS**

Listed below are the ways in which a person can apply to the Superior Court to vacate judgment of guilt, dismiss charges and/or restore civil rights in Arizona. Attached is the application which is used and which must be filled out, signed, accompanied by an absolute discharge or an order of discharge from probation and returned to the appropriate court (see #2 below).

Before proceeding there are four important points to be considered:

- I. If you were convicted of a misdemeanor, you did not ever lose any civil rights, therefore part of the process described doesn't apply to you.
- II. Questions concerning convictions in justice courts or magistrate court (city) must be asked directly to the court where the convictions occurred.
- III. If you were convicted of multiple offenses, the court must act on each one separately in one of the following ways.
 - A. If you had more than one case number you must prepare and file a separate form for each case number involved.
 - B. For each case number or count listed you must show if it was a felony or misdemeanor.
 - C. If you had two or more counts under any case number (i.e. CR123456, counts II and IV), the respective count number must be written in on the last line in number 1, after the words "on a conviction ..."

EXAMPLE;

"On a conviction of" possession of marijuana, class 6 misdemeanor; count IV, burglary 3rd degree, class 5 felony

IV. REPRESENTATION BY ATTORNEY

If you are represented by an attorney you must submit authorization in writing allowing the attorney to act on your behalf. The attorney's address must be on the application so we are able to mail the attorney copies of the application and order.

V. SUPERIOR COURT OF ARIZONA

A person convicted of a felony in Superior Court can apply to the court to vacate judgment of guilt, dismiss charges and restore civil rights.

- A. If you were placed on probation in Superior Court in Maricopa County, and successfully completed probation, fill in the application form with your name, case number and the

information in #1 and #2. This information will be given to you by the Probation Office on request or can be picked up from the Clerk's Office, Customer Service Counter. Once you've filled out the form, date, sign and list your full address and deliver the form to:

Clerk of the Superior Court
201 W. Jefferson St.
Phoenix, AZ 85003
ATTN: Restoration of Civil Rights Clerk

NOTE: Be sure to answer question #4 on the form, if you fail to, it will be sent back to you for answering.

- B. Prison: If you were sentenced to prison, or any Department of Corrections facility and received an absolute discharge at least two full years ago, you must obtain a copy of that absolute discharge and attach it to the application form. Then fill out and file the form in the steps described in #3 above.
- C. NOTE: If this is your first felony conviction and you served prison time you are not required to wait two full years before applying.

VI. Federal Court

A person convicted in the U.S. District Court in Arizona may apply to the Superior Court for restoration of civil rights only.

- A. Probation: If you were placed on probation in Federal Court and successfully completed having received an Order Terminating Probation from U.S. District Court, fill out the form, attach a copy of the Order Terminating Probation and complete and file the form as described in #3 above.
- B. Prison: If you were sentenced to prison and received a Certificate of Absolute Discharge for the Director of the Federal Bureau of Prisons at least two full years ago, you must obtain a copy of that discharge, attach it to the application form and complete and file the form as described in IV(A).

NOTE: To obtain a copy of the discharge, contact:
U.S. Probation Office
230 N. 1st Ave.
Phoenix, AZ 85003

Telephone: 379-3214

VII. Request to Possess Firearms

Attached to your application, there is a Motion to Restore Right to Possess or Own Firearms. If you are requesting gun rights to be restored to you, please complete the entire top section of the application.

In the body of the application please state to the judge what you are wanting and why you want them. Sign and date the bottom of the motion and submit with the application.

VIII. Procedure after Filing

Upon receipt of the application the Court will give notice to the appropriate state and federal prosecutors as required by law. If the Court grants or denies your request (s) you will simply receive a signed copy of the Order Vacating Judgment of Guilt, Dismissing Charges and Restoring Civil Rights at the address listed on the application form.

When you are ready to file or if you have any questions in filling out the application, please contact the following:

Clerk of the Superior Court
201 W. Jefferson St.
Phoenix, AZ 85003
ATTN: Restoration of Civil Rights Clerk
Telephone: 506-3486

§13-905. Restoration of civil rights; persons completing/probation.

- A. A person who has been convicted of two or more felonies whose period of probation has been completed may have any civil rights which were lost or suspended by his felony conviction restored by the judge who discharges him at the end of the term of probation.
- B. Upon proper application, a person who has been discharged from probation either prior to or after adoption of this chapter may have any civil rights which were lost or suspended by his felony conviction restored by the Superior Court Judge by whom the person was sentenced or his successors in office from the county in which he was originally convicted. The clerk of such superior court shall have the responsibility for processing the application upon request of the person involved or his attorney. The superior court shall cause a copy of the application to be served upon the county attorney.

Form 300

© Clerk of Superior Court of Arizona in Maricopa County

August 2, 1999

ALL RIGHTS RESERVED

§13-907. Setting aside judgment of convicted person upon discharge; making of application; release from disabilities; exceptions

- A. Except as proved in subsection B of the section, every person convicted of a criminal offense may, upon fulfillment of the conditions of probation or sentence and discharge by the court, apply to the judge, justice of the peace or magistrate who pronounced sentence of imposed probation or such judge, justice of the peace or magistrate's successor in office to have the judgment of guilt set aside. The

convicted person shall be informed of this right at the time of discharge. The application to set aside the judgment may be made by the convicted person, his attorney, or probation officer, authorized in writing.

If the judge, justice of the peace or magistrate grants the application, the judge, justice of the peace or magistrate shall set aside the judgment of guilt, dismiss the accusations of information and order that person be released from all penalties and disabilities resulting from the conviction other than those imposed by the department of transportation pursuant to section 28-445 or 28-446, and except that the conviction may be used a conviction if such conviction would be admissible had it not been set aside and may be pleaded and proved in any subsequent prosecution of such person by the state or any of its subdivisions for any offense or used by the department of transportation in enforcing the provisions of section 28-445 or 28-446 as if the judgment of guilt had not been set aside.

B. This section does not apply to a person convicted of a criminal offense:

1. Involving the infliction of serious physical injury.
2. Involving the use or exhibition of a deadly weapon or dangerous instrument.
3. In violation of chapter 14 of this title.
4. In which the victim is a minor under fifteen years of age.
5. In violation of section 28-473, any local ordinance relating to stopping, standing or operation of a vehicle or Title 28, Chapter 6, except a violation of section 28-661, 28-692, 28-692.02 or 28-693 or any local ordinance relation to the same subject matter as Section 28-661, 28-692, 28-692.02 or 28-693.

§13-908. Restoration of Civil rights in the discretion of the Superior Court Judge.

Except as provided in §13-912, the restoration of civil rights and the dismissal of the accusation of information under the provisions of this chapter shall be in the discretion of the Superior Court Judge by whom the person was sentenced or his successor in office.

As Amended, Laws 1984.

Form 300

© Clerk of Superior Court of Arizona in Maricopa County

August 2, 1999

ALL RIGHTS RESERVED

CRIMINAL CODE §13-907

C. If the person was convicted of a dangerous offense under A.R.S. §13-604, the person may not file for the restoration of his right to possess or carry a gun or firearm. If the person was convicted of a serious offense as defined in A.R.S. §13-604, subsection U, the person may not file for the restoration of his rights to possess or carry a gun or firearm for ten years from the date of his discharge from probation. If the person was convicted of any other felony offense, the person may not file for the restoration of his right to possess or carry a gun or firearm for two years from the date of his discharge for probation.

Amended by laws 1994, Ch. 200, §6, effective April 19, 1994.

